

BOARD OF APPEALS CASE NO. 5010

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BEFORE THE

APPLICANT: Harford County Government

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ZONING HEARING EXAMINER

**REQUEST: Interpretation to correct a
mapping error; MD Route 7, southwest of
Aberdeen**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/26/00 & 2/2/00

HEARING DATE: March 15, 2000

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Record: 1/28/00 & 2/4/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, the Planning and Zoning Department of Harford County Government, is requesting approval, pursuant to Section 267-10(D) of the Harford County Code, to correct a mapping error which occurred as a result of the 1997 Comprehensive Rezoning.

The subject property is located on the southwest side of Philadelphia Road (MD Route 7), between Pulaski Highway (U.S. Route 40) and Perryman Road, west of the Aberdeen town limits. It is more particularly identified as Parcel No. 183, in Grid 4D, on Tax Map 58 and is located entirely within the Second Election District. During the 1997 Comprehensive Rezoning, the parcel was identified as Issue No. FO23, Tax ID No. 02074109 and the property owner was listed as Freeman Wright. The current property owner is 88 Acres LLC, whose address is c/o Mr. F. Wright, 1121 Old Philadelphia Road, Aberdeen. The parcel consists of approximately 72 acres, with a portion of the property designated (allegedly incorrectly) as having CI Commercial Industrial zoning and a portion having R3 Urban Residential District zoning.

Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified on behalf of the Applicant, the Department of Planning and Zoning. According to Mr. McClune, prior to the 1997 Comprehensive Rezoning, the property was zoned R2 Urban Residential, with a small portion of the property zoned CI Commercial Industrial. During the 1997 Comprehensive Rezoning, the owner of the property, Mr. Wright, requested that the entire 72 acre parcel be rezoned to R3 Urban Residential.

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The Harford County Council, in Bill No. 97-55, adopted the request and approved the rezoning of the entire parcel to R3. It is Mr. McClune's testimony that during the preparation of the new zoning maps following the 1997 Comprehensive, the CI portion of the property was overlooked and the zoning of the CI portion was not changed on the maps. Accordingly, the Department is now seeking to correct that error by having the CI portion of the property changed to the correct zoning of R3 in accord with the Council action taken when it passed Bill No. 97-55.

No witnesses appeared in opposition to the request.

CONCLUSION:

Section 267-10(D) of the Harford County Code provides that the Zoning Board of Appeals may render an interpretation of the boundaries of a zoning district by:

"Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process."

The evidence in the form of the testimony of Mr. Tony McClune from the Department of Planning and Zoning and the exhibits provided by the Applicant clearly demonstrate that the County Council voted to rezone the subject property from both CI and R2 to R3 Urban Residential during the 1997 Comprehensive Rezoning process. It is also clear that the current zoning maps do not correctly reflect such a change and that this is an error which must be corrected.

Therefore, it is the recommendation of the Hearing Examiner that the Applicant's request to correct the mapping error which occurred following the 1997 Comprehensive Rezoning process be approved and that the subject parcel be given the zoning designation approved by the Harford County Council during that process, namely, that the entire 72 acre parcel be designated R3 Urban Residential on the current zoning maps.

Date **APRIL 14, 2000**

Valerie H. Twanmoh
Zoning Hearing Examiner